

In the Court of Appeals of the State of Alaska

Viktor Ivanovich Natekin,
Appellant,

v.

State of Alaska,
Appellee.

Court of Appeals No. **A-12579**

Order

Petition For Rehearing

Date of Order: **10/27/2020**

Trial Court Case No. **3PA-13-01442CI**

Before: Allard, Chief Judge, Wollenberg, Judge, and
Mannheimer, Senior Judge.¹

The Appellant, Victor Ivanovich Natekin, seeks rehearing of our decision in his case: *Natekin v. State*, 2019 WL 5425497 (Alaska App. 2019).

Natekin asserts that he was forced to testify at his trial, and he further asserts that this Court failed to perceive that, under the Alaska Supreme Court’s decision in *Alvarez-Perdomo v. State*, 454 P.3d 998 (Alaska 2019), this error was a structural error — *i.e.*, an error requiring automatic reversal of Natekin’s conviction, regardless of whether he was demonstrably prejudiced by the error.

But *Alvarez-Perdomo* involved a situation where a trial judge ordered a defendant to testify at trial. That was not the situation in Natekin’s case.

Natekin claims that he was “forced” to testify only in the sense that, when he made his decision whether to testify, he realized that, as a practical matter, his testimony was probably needed if the jury was going to accept his defense to the charge of attempted sexual assault — *i.e.*, Natekin’s claim that he assaulted the victim, not for sexual purposes, but only because he believed that the victim had stolen his wallet, and

¹ Sitting by assignment made under Article IV, Section 11 of the Alaska Constitution and Alaska Administrative Rule 23(a).

Natekin v State, File No. A-12579
October 27, 2020 - p. 2

he was trying to retrieve it.

The “structural error” analysis of *Alvarez-Perdomo* does not govern this type of situation. We therefore deny Natekin’s petition for rehearing.

Entered at the direction of the Court.

Clerk of the Appellate Courts

A handwritten signature in cursive script that reads "Joyce Marsh".

Joyce Marsh, Deputy Clerk

cc: Court of Appeals Judges
Judge Smith
Publishers (MO&J #6830, 10/23/19)
Distribution:

Email:
Kamm, Marilyn J., OPA - Contract
Wendlandt, Diane L.